IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

SATURDAY, THE 18TH AUGUST 2007 / 27TH SRAVANA 1929

WP(C).No. 24400 of 2007(D)

PETITIONER:

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1. SONY.P.JOHN, AGED 33 YEARS
   S/O.P.J.JOHN, LECTURER,
   DEPARTMENT OF COMMERCE,
   M.S.M.COLLEGE, KAYAMKULAM, ALAPPUZHA DISTRICT

2. SWAPNA K.CHERIAN
   AGED 34 YEARS, D/O.K.A.CHERIAN
   LECTURER, DEPARTMENT OF COMMERCE
   M.S.M.COLLEGE, KAYAMKULAM
   ALAPPUZHA DISTRICT

BY ADV. SRI.NOUSHAD THOTTATHIL
SRI.NOORJI NOUSHAD

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY
   THE PRINCIPAL SECRETARY,
   DEPARTMENT OF HIGHER EDUCATION,
   GOVERNMENT OF KERALA, THIRUVANANTHAPURAM

2. THE DIRECTOR OF COLLEGIATE EDUCATION
   VIKAS BHAVAN,P.M.G.JUNCTION,
   THIRUVANANTHAPURAM

3. THE DEPUTY DIRECTOR OF COLLEGIATE
   EDUCATION, KOLLAM

4. UNIVERSITY OF KERALA, REPRESENTED BY
   THE REGISTRAR, KERALA UNIVERSITY
   THIRUVANANTHAPURAM.P.O.,
   THIRUVANANTHAPAURAM DIST.

5. THE MANAGER-CUM-SECRETARY
   M.S.M.TRUST, KAYAMKULAM
   KAYAMKULAM.P.O.,
   ALAPPUZHA DIST. PIN: 690 502

6. THE PRINCIPAL,
   MILAD-E-SHERIEF MEMORIAL COLLEGE
   KAYAMKULAM.P.O.,
   ALAPPUZHA DISTRICT

BY ADV. SRI.M.RAJAGOPALAN NAIR, SC, KERALA UTY.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. Basheer, J.

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W.P(C) No. 24400 of 2007

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Dated this the 18th day of August, 2007.

J U D G M E N T

Petitioners claim that they were appointed as Lecturers in the Department of Commerce in M.S.M. College, Kayamkulam under the management of respondent No.5 by order dated July 30, 2005. It is further contended by them that their respective appointments were against sanctioned posts and regular vacancies. The Selection Committee which comprised of nominees of the Government and the University had completed the selection process and they were duly appointed thereafter. The appointments were approved by the University too. But the grievance of the petitioners is that they are not being paid salary and allowances . There is considerable force in the contention raised by the petitioners that the refusal of the Department to countersign the salary bills of the petitioners is totally illegal and unjust, particularly in view of the latest decision rendered by a Division Bench of this Court in WA.No.940/2007 and connected cases. It is also pointed out by the learned counsel that the University had approved the appointments, after having been satisfied that there was sufficient workload in the college and that the posts were sanctioned by the Government.

Having regard to the facts and circumstances of the case, I am satisfied that the Department has to release the salary to the petitioners, if there is no other legal impediment. However, if the Directorate is of the view that clarification with regard to the workload, staff strength etc. in the college concerned is to be sought

for from the University, it shall do so. The entire process shall be completed by the Directorate within two months. The salary and allowances payable to the petitioners shall be disbursed to them within the period stipulated above.

Writ Petition is disposed of in the above terms.

A.K. Basheer
Judge.

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